

83-156

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(1) No. 82-1583
(2) No. 82-1824
JOINED

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1983
No. _____

BOYD VEENKANT, per se,
Petitioner,

-vs-

MAURICE N. BLAKE, et al., (1)
Respondents.

GEORGE R. CORSIGLIA, et al., (2).
Respondents.

PETITION FOR A WRIT OF CERTIORARI
To the Supreme Court of the United States

* * Oral Argument Requested * *
from

U.S. Court of Appeals, Sixth Circuit
One Respondent Defaulted. (2)

BOYD VEENKANT, per se.,
P.O. BOX 115, Allegan, Mi.
49010-0115. (616)673-4400.

GEORGE H. WELLER
JOSEPH F. CHIESA
NOREEN L. SLANK
STEPHEN R. BERNSTEIN (1)
Douglas e. ketchum-(Defaulted)
GEORGE H. WELLER (2) Of Counsel.

QUESTION PRESENDED

Were under 28 § 1343. Civil rights and elective franchise (a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or aid in preventing any wrongs mentioned in section 1986 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute,

ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any act of Congress providing for the protection of civil rights.

In these two Court case, the then Circuit Court Judge of Allegan, County Michigan, and being the trial Judge of the case to be heard, called a conspiracy meeting in the Judges private chambers, between the Plaintiff's attorney, the defendant's attorney and the trial Judge, to lay out a planning and acting together secretly, especially for an unlawful or harmful purpose.

Which covered Court case File No..

2/1225. That the plot agreed on was carried out through-out the trial and by carrying the act so well, the jury gave the Defendant, the decision because of the plot carried out so well.

NOTICE: Atty. Charles Starbuck in representing the Defendant, filed a Motion to the Court clerks office for a new trial. Here is a true copy of the 'MOTION'. "MOTION for new trial Aggravation rather than a re-injury to a part of the body that was previsouly injured slightly without any serious consequence to plaintiff." Dated Monday Oct. 5, 1970.

This Petitioner asked the Clerks Office at Allegan, Michigan, to see this Clerks File covering case No. 2/1225 on Feb. 14, 1972 and found this Atty. Charles Starbuck's 'MOTION' and made a

word for word copy of this "MOTION" and went back in two days and this Atty. Starbuck's motion had been removed from the Public Record. IT was not only removed from the Clerks Court case File, but from the Daily recording book, covering this case No. 2/1225.

Under GCR Rule 107.2 , Atty. Starbuck, is required to serve Plaintiff, Boyd Veenkant's attorney a copy of this "MOTION" filed with the Court, being Atty. Alphonse Lewis, Jr.,.

Further states, Boyd Veenkant asked his Atty. Lewis to purchase a copy of the Court case transcript and to ask for a new trial due to fraud.

Plaintiff's Atty. Lewis, asked for \$1200.00 to be advanced to Atty. Lewis, before the clerk would have a transcript drafted up. Atty. Lewis never order the transcript and converted the

v

\$1200.00 to his own use and filed a MOTION as he pleased and not on fraud.

Plaintiff under PROF. RESPONSIBILITY AND CANON, under DR2-110(B)(4) Discharged Atty. Lewis. Then under (A) (2), delivering to the client all papers and property to which the client is entitled, and complying with applicable laws and rules. But Atty. Lewis refused to return the transcript \$1200.00 advance to purchase the transcript and refused to turn over this Atty. Starbuck 'MOTION' to his client, Boyd Veenkant.

Boyd Veenkant retained Atty's Maurice N. Blake and Steven Robinowitz to represent Boyd Veenkant and open case No. 2/1225 up. That Atty. Blake asked Boyd Veenkant to advance \$1,000.00 to recover the transcript or \$1200.00 from Atty. Lewis and Boyd Veenkant forwarded not only the \$1,000.00, but his

file covering case No. 2/1225 and in the file was this one copy of this word for word of the Atty. Starbuck 'MOTION' copied by Boyd Veenkant from the motion filed with the Allegan County Circuit Court Clerks Office and not only Recorded in the Record book, but placed in the Veenkant file, were on Feb. 14, 1972 found this motion and made a copy of it.

The Respondents are claiming no such Atty. Starbuck, MOTION was ever filed with the Allegan County Circuit Court Clerks Office.

§ 1005.1 Rule 1005: Public Records

The same policy which permits authentication of official records and documents authorized to be recorded or filed including data compilations in any form by certified copy, Rule 902(4), also exempts the certified copy from the requirements of the Original Writing rule;

there is no need to account for failure to produce the original, Rule 1005. In addition the contents of an official record, or of a document authorized to be recorded or filed and actually recorded or filed, including data compilations in any form. may be proved by a copy testified to be correct by a witness who has compared it with the original, Rule 1005.⁶¹

Further states, Atty's Blake and Robinovitz under Canon DR 2-110 (A)(2) shall deliver to the client all papers and property to which the client is entitled, and complying with applicable laws and rules. Atty's Blake and Robinovitz are claiming no such Atty. Starbuck MOTION ever existed and therefore Boyd Veenkant never advance a hand copied copy of a Atty. Starbuck MOTION to them to have to return to

there client or the \$1,000.00, when Boyd Veenkant has a receipt covering both the Atty. Starbuck MOTION and that Boyd Veenkant advanced to Atty. Lewis \$1200.00 and \$1,000.00 to Atty. Blake?

FRCP Rule 60(b) ,(3),(4),(5), & (6), covering Fraud, and void Opinions & Orders.

The reconstruction of Rule 60(b)- The other procedure is by a new or independent action to obtain relief from a judgment, which action may or may not be begun in the court which rendered the judgment. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order.

PARTIES TO THE PROCEEDING

The parties to this proceeding is Boyd Veenkant, and the respondents.

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IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

No.

BOYD VEENKANT, et al.,

Petitioner,

vs.

MAURICE N. BLAKE, STEVEN ROBINOVITZ,
CLAYTON F. FARRELL, JOHN CESARE
FRANCO, IRWIN H. BURDICK,
GEORGE R. CORSIGLIA, (1)

ALLEGAN COUNTY and it's BOARD
OF COMMISSIONERS,
GEORGE R. CORSIGLIA, (2)

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO
THE SUPREME COURT OF THE UNITED STATES

* * Oral Argument Requested * *

from

THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT.

The Petitioner, respectfully pray that a writ of certiorari issue to review the opinion's and or orders of the U.S. District Court, as well as the U. S. Court of Appeals, Sixth Circuit entered in this proceeding on Aug.2,83 by the U.S. District Court and on May 4,83 by the U.S. Court of Appeals, Sixth Circuit covering case No. (1). and on May 4;1983 covering case no. (2).

OPINIONS BELOW.

Case No. (1).

The opinion of the U.S. District Court, by Judge Gibson, is a whim, despotic, discretionary, arbitrary statement based on one's preference as a dictatorial, whether then based on the facts covering this Petitioners Constitutional Rights, and what took place for why this Petitioner removed this case out of

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State Court by 28 § 1343 Civil Rights
and elective franchise, covering State
and Federal statutory or Constitutional
provision covering the act's under color
of any statute and etc., of the State of
Michigan, and the deprivation of any
rights, privileges, or immunities sec-
ured by the Constition and laws. A copy
of this Opinion is in back of this book

The opinion of the U.S. Court of
Appeals, Sixth Circuit, joined the con-
spiracy of the District Court and appl-
ied the District Court's Opinion and
the above stated claim above can be ap-
plied to the U.S. Court of Appels opin-
ion as well.

Case No. (2).

The opinion of the U.S. District
Court, by Judge Enslen, is a whim, desp-
otic, discretionary, arbitrary statement

based on one's preference as a dictator-
ial, whether then based on the facts co-
vering this Petitioners Constitutional
Rights, and what took place for why this
Petitioner filed this Civil rights case
covering State and Federal statutory or
Constitutional provision covering the
act's under color of any statute and e-
tc., of the State of Michigan, and the
deprivation of any rights, privileges,
or immunities secured by the Constitution
and laws. A copy of this opinion is in
back of this book.

The opinion of the U.S. Court of Ap-
peals, Sixth Circuit, joined the consp-
iracy of the U.S. District Court, to
protect the named Respondents, who are
"Law enforcement Officers" and refused
to take action on crime committed, und-
er Public Law 90-284, Civil Rights Act,
as well as State of Michigan statutes.

JURISDICTION.

The ORDER of the U.S. Court of Appeals for the Sixth Circuit was entered on May 4, 1983, covering both case No. (1) and (2), and this petition for certiorari was filed within 90 days of that date.

This Court's jurisdiction is invoked under 28 U.S.C., Section 1343, Civil Rights Act's below stated.

§§ 1983, 1985(3), 1986, 1988 and
under Title 18., Public Law 90-284," §
245 "(5)"(c) "Law enforcement officers;"

STATUTORY PROVISIONS INVOLVED

1. 28 U.S.C., Section 1343, Civil rights Act's,

(a) Public Law 90-284"(5)"(c) Nothing in this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the duties

of his office; and etc.

(b)The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any perso:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1986 of Tile 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage,

of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) U.S.Criminal Code, Title 18, Section 241: "If two or more persons conspire to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States or because of his having exercised the same... they shall be fined no more than \$5,000.00 or imprisoned not more than ten years or both."

(5) U.S. Criminal Code, Title 18, Section 242: "Whoever, under color of law, statute, or ordinance, regulation, or custom, wilfully subjects any

inhabitants of any state to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or Law of the United States ...shall be fined no more than \$1,000.00 or imprisoned one year or both.

(6) U.S. Code, Title 28, Section 20-72: rules shall not abridge, enlarge or modify any substantive right...

MICHIGAN STATUTES:

(7) Michigan statutes make it a crime to tamper with evidence already received by the court (see C.L.1970, Section 750.491 ("mutilating, removing, etc. public records"); C.L. 1970, Section 750.388 ("removing property seized by legal process"))).

(8)Michigan statute of common law crime of 'obstruction of justice'.

(9) The act of suppressing evidence has long been recognized as falli-

ng within this common law offense (see Perkins, Criminal Law, 499-500 (2nd ed. 1969)).

(10) In People v. Johnson, 28 Mich. App. 10, 18, 183 N.W. 2d 813 (1970) the court said: " It is well established that corporate officers may be criminally liable for their own acts although performed in their official capacity as such officers."

(11) Theft by failure to make required disposition of funds received or held in the second degree.

(12) Michigan statute, C.L. 1970, Section 750.481 (refusing to execute any lawful process)

(12) Theft of services in the second degree.

(13) Federal Mail Fraud Act.

(14) Malpractice by a Michigan licensed attorney.

STATEMENT OF THE CASE,,

Case No. 1:

The District Court dismissed the Petitioners Civil Rights Act complaint to protect crime committed and joined the conspiracy being carried out against this Petitioner. The U.S. Court of Appeals, Sixth Circuit followed suit and affirmed the dismissal.

The complaint alleges that the Petitioner is a Citizen of the State of Michigan and is a citizen of the United States and filed under the Civil Rights Acts, every person who, under color of any statute, and etc., of the State of Michigan, subjects ,or causes to be subjected, any citizen of the United States to the deprivation of any rights, privileges, or immunities secured by the Constitution and Laws, shall

be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

This case involves the continuation of a conspiracy against this Petitioner and the acting under color of any statute and the deprivation of any rights, privileges, or immunities secured by the Constitution and Laws.

Further states, the Motion's for new trial came about when Dr. Harry Schneider, as a witness in case 2/2246 perjured the Court and told them after 2½ yrs. that this Petitioner wasn't found to be hurt from the car accident.

Further states, four days before Ct. case 2/1225 was to be called and heard, Circuit Court Judge Wendell Miles called a conspiracy meeting and laid out a plot to protect Dr. Schneider and it was carried out with Atty. Alphonse

Lewis and Atty. Charles Starbuck and Judge Wendell Miles so well in Ct. case No . 2/1225 so well, the jury gave the judgement to the Defendant.

Further states, this Petitioner asked Atty. Lewis to purchase a copy of the Ct. case transcript and asks for a new trial due to fraud. Atty. Lewis asked that \$1200. had to be advanced before he could purchase the transcript. It was advanced, but Atty. Lewis's Motion did not ask's for a new trial due to fraud and only Atty. Lewis's Motion was heard and dismissed. This Petitioner discharged Atty. Lewis at once, and demanded all of Petitioners Ct. papers & this transcript \$1200. to be returned, but all pepers & the \$1200. was not returned. Then Atty. Lewis after being discharged, filed a Appeal with no transcript, to be denied by the Appeals Ct.

Further states, 16 month's after Judgement was handed down on case 2/1225, Petitioner went to the Allegan Co. Circuit Ct. Clerks Office and asked to see his File on case No. 2/1225 and here was Atty. Charles Starbuck's Motion in asking for a new trial due to this Petitioner being hurt. This Petitioner had no money with him, so he made a total hand drafted copy of Atty. Starbucks Motion. Then went back in two days to get a photo copy and Atty. Starbuck's Motion had been removed from the PUBLIC RECORD.

This act of removing Atty. Starbuck's Motion is covered by- Michigan statute make it a crime to tamper with evidence already received by the court (C.L. 1970, Section 750.491 (removing & etc., public records); C.L. 1970, Sec. 750.388 (removing property seized by legal process")). Yes, this crime took

place while Judge Wendell Miles was the Circuit Court Allegan County Judge.

People v. Johnson, 28 Mich. App. 10, 18, 183 N.W. 2d 813 (1970) the court said: "It is well established that corporate officers may be criminally liable for their own acts although performed in their official capacity as such officers."

This would cover the conspiracy meeting called and carried out and the removing of the Atty. Starbuck's Motion from the PUBLIC RECORDS.

Further states, it wasn't until April 19, 1976, that this Petitioner could retain a attorney to represent this Petitioner and to reopen Court case No. 2/1225. It was Atty. Maurice N. Blake and Atty. Blake asked for permission to bring in a second attorney to help Atty. Blake in handling the court case and it was Atty. Rabinovitz.

Atty. Blake asked this Petitioner to advance \$1,000. to recover from Atty. Lewis his transcript or \$1200. & papers. Atty. Blake asked this Petitioner to go home and place his Ct. case papers in order covering case No. 2/1225 and draft up a note book covering what took place and list the documents being advanced as a receipt. This Petitioner returned to Atty. Blake's offices on April 28, 1976 and advanced to Atty's. Blake & Rabinovitz the \$1,000. and note book covering the Court case action and what documents were advanced. A receipt was issued by Atty. Blake covering the \$1,000., but Atty. Blake intently left off of the receipt what the \$1,000. was advanced for. Then Atty. Blake handed to this Petitioner a ATTORNEY FEE AGREEMENT as to attorney fee's in representing this Petitioner covering case No. 2/1225.

Also was assured by Atty. Blake no part of this \$1,000. would be used to cover this attorney fee agreement, before it was signed.

Further states, no action was taken to recover this Petitioner's belongings from Atty. Lewis. No action was ever taken to cause a bill to be paid covering the Attorney Fee Agreement, as no bill was ever forwarded to this Petitioner. On Aug. 5, 1978, Atty. Blake forwarded a letter to this Petitioner and inclosed a check for \$350., We have nothing further to return to you. As far as I am concerned, our relationship is now terminated. This Petitioner returned the \$350. check and asked that it be replaced with a \$1,000. one and to return the advanced documents that were not returned and Atty. Blake refused to so do. This Petitioner filed

his Complaint against his Attorneys, Blake & Rabinovitz, which is covered under Mi. GCR Rule 908. Under Rule 908 it states-All Courts of record have a like jurisdiction as to all such complaints regarding matters arising in suits or proceedings in such courts.

Further states, Atty's. Blake and Rabinovitz were charge with MALPRACTICE and THEFT. Theft cover's the \$1,000. and at least the Atty. Starbuck Motion. Being a Mich. statute under (C.L. 1970, Section 750.356) People v. Anderson, 7 Mich. App. 513, 152 N.W. 2d 40 (1967); People v. McHugh, 286 Mich. 336, 282 N.W.168 (1938).; People v. Doe alias Meyer, 264 Mich. 475, 250 N.W. 270 (1933))

Further states, when this Petitioner advanced at a hearing called by Judge Irwin Burdick, a number of documents as exhibits, to prove his Complaint,

Judge Burdick looked at them and dismissed the case by Judgment. Now Judge Burdick claims the documents are not in the Courts records. Mi. statute make it a crime to tamper with evidence already received by the court(C.L. 1970, Section 750.491 (removing, etc. public records) ;C.L. 1970, Section 750.388 ("removing property seized by legal process"))).

Mi. statute make it a crime of 'Obstruction of Justice' (People v. Coleman, 350 Mich. 268, 86 N.W. 2d 281 (1957); People v. Boyd, 174 Mich. 321, 140 N.W. 475 (1913). ;Perkins, Criminal Law, 499-500 (2nd ed., 1969)).

Then when this Petitioner had the case reopened, Judge Irwin Burdick conspired with Defendant ,Atty. Steven Rabinovitz and here is what it states.

"1. That this Affidavit is filed at the request of the Honorable Irwin Burick,

Circuit Judge, to further document and support and etc." This is cover by Mi. statute, Criminal liability of an individual for corporate conduct. People v. White Lead Works, 82 Mich. 471 (1890); People v. Johnson, 28 Mich. App. 10, 18, 183 N.W. 2d 813 (1970) the court said:

Atty's Farrell & Franco, in representing Atty's. Blake & Rabinovitz, filed with the Court these documents. 1- This Document Entries of case No. 2/1225, claiming no such Motion was filed by Atty. Starbuck with the Allegan Co. Circuit Court Clerks Office. 2- Removed the word "NO" from one one this Petitioners documents and filed it with the Court. This act covering No. 1 & 2 , is removes or alters physical evidence and presents or offers false physical evidence with intent that it be introduced in a pending or prospective official proceeding,

Mi. statute, recognize the common law crime of "Obstruction of Justice". People v. Coleman, 350 Mich. 268, 86 N.W.2d 281 (1957); People v. Boyd, 174 Mich. 321, 140 N.W. 475 (1913)). And the act of suppressing evidence has long been recognized as falling within this common law offense (Perkins, Criminal Law, 499-500 (2nd ed., 1969)).

Further states, Allegan Co. Circuit Court Judge George Corsiglia, is covered by the Mi. statute-Criminal liability of an individual for corporate conduct. People v. White Lead Works, 82 Mich. 471 (1890).

Also for Mi. statute, Tampering with physical evidence, knowingly presents or offers any false physical evidence with intent that it be introduced in a pending or prospective official proceeding. "Obstruction of Justi-

ce . People v. Coleman, 350 Mich. 268, 86 N.W. 2d 281 (1957); People v. Boyd, 174 Mich. 321, 140 N.W. 475 (1913). and Perkins, Criminal Law, 499-500 (2nd ed., 1969)).

Further states, Atty's. Blake, Rabinovitz, Farrell, Franco, and Judges Burdick & Corsiglia, are covered under the MEANING OF "PERSON" 56 L Ed 2d 895 ANNOTATION, by SUPREME COURT'S VIEWS AS TO MEANING OF TERM "PERSON", AS USED IN STATUTORY OR CONSTITUTIONAL PROVISION.

■ 9. Civil Rights Act of 1871, being 42 USCS § 1983 for violating another person's federally protected rights. Monell v. Department of Social Services (1978) 436 US 658, 56 L Ed 2d 611, 98 S Ct 2018.

Petitioner applies U.S. Code, Title 42, Sections, 1983, 1985(3), 1986, and 1988. Then U.S. Criminal Code, Title 18,

Sections 241 and 242, and U.S. Code, Title 28, Section 2072 to these named Defendants and covering this Court case.

Further states, this Petitioner at the last hearing called by Judge Irwin Burdick, gave a "notice" of a fact, to Judge Budrick. That this Petitioner had removed his Court case from him and had filed it the day before with the U.S. District Court for the Western District of Michigan and that this Petitioner would no longer being argue his case before this court. This is covered by 28 § 1343 Civil Rights and elective franchise , and filed with the U.S. District Court For The Western District of Mi.

Petitioner points out, Wendell Miles, is the chief Judge in the U.S. District Court for the Western District of Mi.

and the conspiracy is still carrying

on against this Petitioner not only by the U.S. District Court For The Western District of Michigan, but by the U.S. Court of Appeals.

Petitioner refers this Court to the FOOTNOTES of U.S. District Ct. Judge Gibsons. This shows 'Who It Mite Concern' the intent of Judge Gibson. In referring to No. 5, Officer Gurn's case did not even come before Judge Burdick or did Attorney's Farrel and Franco have anything to do with Officer Gurn's Court case whatever. Under No.1, and with intent, no Atty. Starbuck's Motion is not virtually identical to Atty. Lewis'-s Motion. Also Judge Gibson admitt's someone filed a document with the U.S. District Ct., that the defense attorney did not file a motion, when above Judge Gibson's is claiming the two motions are virtually identical.

CASE No. 2.

STATEMENT OF THE CASE.

The District Court dismissed the Petitioners Civil Rights Act complaint to protect crime committed and joined the conspiracy being carried out against this Petitioner. The U.S Court of Appeals, Sixth Circuit followed suit and affirmed the dismissal.

The complaint alleges that the Petitioner is a Citizen of the State of Michigan is a citizen of the United States and filed under the Civil Rights Acts, every person who, under color of any statute, and etc., of the State of Michigan, subjects, or causes to be subjected, any citizen of the United States to the deprivation of any rights, privileges, or immunities secured by the Constitution and Laws, shall be liable to the party injured in an action

at law, suit in equity, or other proper proceeding for redress.

This case involves the continuation of a conspiracy against this Petitioner and the acting under color of any statute and the deprivation of any rights, privileges, or immunities secured by the Constitution and Laws.

Further states, Petitioner refers to the Affidavit filed with the U.S. District Ct., which was drafted by Circuit Judge George R. Corsiglia, which made claims about this Court case, but did not sign the document drafted with intent or did Judge Corsiglia have it Subscribed and sworn to before me. Petitioner then refers to the document, "COMPLAINT " 'Automobile Negligence' drafted by Atty. John Hoffman, who not only withdrew in representing this Petitioner from fraud , but this

document was made void. Then refering to the document coming from the Mi. Court of Appeals, were Atty. Lewis drafted a Appeal and appears the Allegan Circuit Court filed it, which was drafted by Atty. Lewis, Jr., after he was discharged by this Petitioner. Then refering to the document "CLAIM OF APPEAL" drafted Atty. Alphonse Lewis and predated and filed with the Mi. Court of Appeals after being discharged by this Petitioner. Then refering to document drafted by Atty. Lewis, MOTION FOR NEW TRIAL.

This was not the Motion asked to be drafted and filed, but conspiracy to protect Judge Miles. Refering to this document knowned as "ORDER DENYING MOT--ION FOR NEW TRIAL, This does not refer to the MOTION filed by Atty. Starbuck.

Refering to the document "JUDGMENT ON GENERAL VERDICT FOR DEFENDANT".

Then refering to the documents, two pages, knowned as "docket entries" of File No. 2/1225, being replacement sheets, after the original documents were removed from the Allegan County Circuit Court Clerks 'daily recording book' and the duplicates of these insurted in place of the one's removed from the PUBLIC RECORDS.

Petitioner applies Mi. statute, "Obstruction of Justice" covering all of the above refered to documents. (People v. Coleman, 350 Mich. 268, 86 N.W. 2d 281 (1957); People v. Boyd, 174 Mich. 321, 140 N.W. 475 (1913)). And the act of suppressing evidence has long been recognized as falling within this common law offense (Perkins, Criminal Law, 499-500 (2nd ed., 1969)., covering both Judge George Corsiglia, and Allegan County and it's Board of Commissioners, for for-

warding them knowingly to be presented or offers them as false physical evidence with intent that it be introduced in a pending or prospective official proceeding. (People v. White Lead Works, 82 Mich. 471 (1890)).

The Allegan County and it's Board of Commissioners are covered by Michigan statute making it a crime to tamper with evidence already received by the court(C.L. 1970, Section 750.491 ("mutilating, removing, etc. public records") C.L. 1970, Section 750.388 ("removing property seized by legal process"))).

Petitioner refers to the letter of complaint filed not only with Judge Corsiglia, but a copy filed with Allegan County and it's Board of Commissioners. Judge Corsiglia comes under Mi.

GCR Rule 908, Claims by Client agents his attorney. Judge Corsiglia refused

to call a hearing to make any order for the payment of money or for the performance of any act by Atty. Lewis which law and justice required. Mi. statute ,Criminal liability of an individual for corporate conduct. People v. White Lead Works, 82 Mich. 471 (1890).

Petitioner further states, Allegan County and it's Board of Commissioners, as well as Circuit Court Judge, George R. Corsiglia are all "Law enforcement officers" under "Public Law 90-284" § 245. Federally protected activities, under "(5)"(c). Nothing in this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the duties of his office; and etc:

Further states, under FRCP Rule 60 (b)(3) fraud(wheterheretofore denominated intrinsic or extrinsic), misrepres-

-entation, or other³⁰ misconduct of an adverse party; (see Moore and Rogers, Federal Relief from Civil Judgment, 19 46, 55 Yale L.J. 623. Also 3 Moore's 60 b on Other Methods of Relief Form Judgment, 1941, 4 Fed. Rules Serv. 942,945; The reconstruction of Rule 60(b) has for one of its purposes a clarification of this situation. One is- by a new or independent action to obtain relief from judgment, which action may or may not be begun in the court which rendered the judgment. This would cover Public Law 90-284 "Law enforcement officers" and Public Law 88-352 Title II- INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION, under Section's 201.(a);202; 203 ; 204(a);205; 206(a); and Sec. 207.(a). Yes, under Sec. 206.(a), the Mi. Attorney General instead of bring a civil action in the appropri-

iate district court of the U.S. by filing a complaint, he is representing a named defendant in bought case 1 & 2 to protect the crime being committed, as a "Law enforcement officer", under Public Law 90-284.

Petitioner states, all named defendants come under the MEANING OF "PERSON" 56 L Ed 2d 895 ANNOTATION - SUPREME COURT'S VIEWS AS TO MEANING OF TERM "PERSON," AS USED IN STATUTORY OR CONSTITUTIONAL PROVISION, by Athena Mueller, M.A., LL.B., J.D., LL.M. (Monell v. Department of Social Services (1978) 436 US 658, 56 L Ed 2d 611, 98 S Ct 2018, were all "persons" subject to liability under 42 USCS § 1983- which imposes civil liability on "every person" who, under color of State law, deprives another of rights, privileges, or immunities guaranteed by the Constitution or Laws.

REASONS FOR GRANTING THE WRIT.

1. Every named Defendant, named in case No. 1 & 2, all come under the Meaning of Term "Person", as used in statutory or constitutional provision, subject to liability for deprivations of civil rights under § 1 of the Civil Rights Act of 18-71 (42 USCS § 1983). Supported by Monell v. Department of Social Services (1978) 436 US 658, 56 L Ed 2d 611, 98 S Ct 2018, were all "persons" subject to liability under 42 USCS § 1983- which imposes civil liability on "every person" who, under color of State law, deprives another of rights, privileges, or immunities guaranteed by the Constitution or Laws.

2. The named Defendants in both case No. 1 & 2, have conspired for the purpose of depriving this Petitioner of equal protection of the laws. Supported by-

"Miranda v. Arizona, (U.S. Supreme Ct)

384 US 436, 16 L ed 2d 694, 86 S Ct 1602.

And U.S. Code, Title 42, Section 1985(3).

3. The named Defendants, Judges, and Counsels in both cases under U.S. Code, Title 42, Section 1986, and Public Law 90- 284 & 88-352 have failed to prevent or to aid in preventing which he had knowledge were to occur and power to prevent. Supported by- Stringer v. Dilger , CA 10 Colo 313 F 2d 536 (1963).

4. The named Defendants, Judges, and Counsels in both cases under U.S. Code, Title 42, Section 1988 and the jurisdiction in civil & criminal matters conferred on the U.S. District Courts by the provisions of this chapter & Title 18, for the protection of this Petitioner in his Civil Rights, and for his vindication, shall be exercised and enforced in the trial, and, if of a crim-

inal nature, in the infliction of punishment on the party found guilty. Supported by- Miranda v. Arizona, (U.S. Supreme Ct.) 384 US 436, 16 L ed 2d 694, 86 S Ct 1602. And The Restatement of Torts (Secon), Section 774 (1979), defines the tort as follows:

"One who by fraud, duress or other tortious means intentionally prevents another from receiving from one or more third persons his personal property is subject to liability to the other for loss of the personal property.

Petitioner at this time, is asking
this United States Supreme Court, for a
"COURT ORDER", that Chief Judge, Wendell A. Miles of the U.S. District Court for the Western District of Michigan, who was acting as trial Judge and planned the plot and carried it out throughout the Court case No. 2/1225 and that this Atty. Charles Starbuck "Motion for new trial & etc.) was not only

recorded in the daily recording book, but filed in this Petitioners file of case No. 2/1225 and removed from both the File and Record Book and acted upon by then Circuit Court Judge Wendell A. Miles, at this time be made to produce at this Petitioners cost, not only a copy of the RECORD BOOK page that was removed, that had Atty. Starbuck's Motion recorded upon it, but a copy of the Atty. Starbuck's Motion filed in this Petitioner file covering case No. 2/1-225, which on Feb. 14, 1972, some about 16 months after this case No. 2/1225 was called and heard by Judge Wendell A. Miles, that this Petitioner in person who witnessed this Atty. Starbuck motion and drafted a copy of it word for word, which was advanced to Atty's Blake & Rabinovitz on April 28, 1976, and who joined the conspiracy and

who are claiming no such document was advanced to them, but it couldn't of been, Because Atty. Starbuck never filed such a document 'Motion' . This Petitioner is not only asking these two copies be forwarded to this Petitioner, that copies also be forwarded to this U.S. Supreme Court, covering this case.

Petitioner believe the time has come for this Court to enunciate a clear and definitive ruling not only covering that Atty. Charles Starbuck did draft and file with the Allegan County Circuit Court Clerks office while ~~Wendell A. Miles was~~ Judge, a document in asking for a new trial covering case No. 2/1225, but both the Public Record Books page it was filed on and the original Motion filed in this Petitioners file of case No. 2/1225 was remo-

ved file Judge Wendell A. Miles was the acting Judge, while these records were removed from the PUBLIC RECORDS. That also Atty. Starbuck under Mi. GCR Rule 107.2 did serve a duplicate copy of this Motion in asking for a new trial, with this then Petitioners attorney, being Atty. Alphonse Lewis, Jr., Also that on April 28, 1976 that this Petitioner did advance his hand drafted copy of the Atty. Starbuck Motion to Atty's. Blake and Rabinovitz, as proof it was not only filed with the Court, but a copy was served upon Atty. Lewis. Also that this Petitioner did advance \$1,000.00 as asked by Atty. Blake as attorney cost to recover this Petitioners transcript \$1200. to purchase a copy of the transcript of case No. 2/1225 to prove fraud in asking for a new trial first by Atty. Lewis, then by Atty's. Blake and

Rabovitz.

Finally, the correctness of the decision below is open to serious question.

For these reasons, a writ of certiorari should issue to review the Opinion's and Order's by the U.S. District Court For The Western District of Michigan and the U.S. Court of Appeals, 6th Circuit.

Respectfull submitted,

Boyd Veenkant, per se
Boyd Veenkant
P.O. BOX 115
Allegan, Mi. 49010-0115
(616) 673-4400

Case No. 1.

Joseph F. Chiesa,
George H. Weller,
Noreen L. Slank,
Stephen R. Bernstien,

Case No. 2.

George H. Weller,
Douglas E. Ketchum,

Of Counsel

A

CASE No. 1.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN, S.Div.

No. K81-101 CA

Boyd Veenkant, per se.,
Plaintiff-Appellant,

V.

Judge Irwin H. Burdick, et al.,
Defendants-Appelles.

Removed from Wayne Comty Circuit Court, by 28 § 1343. Civil Rights & elective franchise (a) The district Courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:
No. 79-924-505 CZ-Irwin H. Burdick, Judge

Submitted April 23, 1981-Opinion
and Order August 2, 1982

Before U.S. District Court, Judge
Benjamin F. Gibson.

OPINION

These three cases filed by plaintiff, pro se, involve numerous claims that defendants have violated his civil rights.

In addition he seeks redress for violations of state law and his self-styled "Bill of Rights Covering this Court case".

Jurisdiction is presumably based upon 28 U.S.C. § 1343; the substantive basis for each case being some combination of 42 U.S.C. §§ 1983, 1985 and /or 1986.

REMARK-were is 1988?

After hearing motions to dismiss or for summary judgment filed by virtually all of the defendants, the Court has, sua sponte, consolidated these matters solely for the purpose of this opinion. Prior to a discussion of the legal issues, a review of the salient facts of each case is in order.

VEENKANT V. BURDICK, et al.

Plaintiff's second action (hereinafter "No. 101") has a long history. In 1970 a jury decided against him in a personal injury action. His motion for a new trial was denied. Although he allegedly gave his attorney money to purchase the transcript, it was never ordered and his appeal was dismissed for failure to file it. Several years later plaintiff retained defendant Attorneys Blake and Rabinovitz for purpose of pursuing a delayed appeal and for proceeding against his trial attorney for unethical conduct. Subsequently, these attorneys returned a portion of plaintiff's retainer and indicated lack of interest in pursuing the case.. At

this point, the facts most salient to No. 101 begin.

Plaintiff commenced an action against Attorneys Blake and Rabinovitz in Wayne County Circuit Court for malpractice, breach of contract and conversion.

The conversion claim apparently arises from plaintiff's steadfast belief that the defense attorney in his personal injury case made a motion for new trial entitled "Motion for trial (sic) Aggravation rather than a rejury to a part of the body that was previously injured slightly without any serious consequence to the plaintiff."¹ Plaintiff contends that a handwritten copy of this motion was in the file given to his attorneys but never returned. The case was assigned to defendant Judge Burdick; defendant Attorney Farrell represented Blake, defendant Attorney Franco represented Rabinovitz.

Judge Burdick dismissed the malpractice and contract claims, leaving only the one for conversion. That claim, however, was later dismissed for two reasons. Firstly, plaintiff had failed to expressly reject the mediators' decision.² to deny his claim. Secondly, he had failed to appear for the scheduled trial.³ Prior to dismissal, No. 101 was filed against the Wayne County defendants, their attorneys, the presiding judge and Judge Corsiglia. The allegations against the latter are not entirely clear. It appears, however, that Judge Corsiglia was allegedly informed about the removal of the new trial motion but did not take any action to investigate or report

4 No. K81-101 CA
it. Plaintiff seeks damages for violations of § 1983, § 1985, § 1986, "tort," malpractice and the "Corrupt Organizations Act."

FOOTNOTES

1. While the Court need not decide whether this motion ever existed, it does note that its title is virtually identical to paragraph four of plaintiff's trial attorney's motion for new trial.
The Allegan County records indicate that no such motion was ever filed by the defense attorney. Plaintiff contends, however, that the motion was removed from the court file.
2. Wayne County Local Court Rule 403 provides for pretrial mediation of cases. A mediation Panel makes a recommendation of disposition which must be expressly rejected within 40 days or it is deemed accepted.
3. Through some apparent oversight, plaintiff's case was scheduled for trial despite his failure to timely reject the mediators' recommendation.

ORDER (case No. 1)

At a session of the Court held in and for said District and Division in the City of Grand Rapids, Michigan, this 2nd day of August, 1982

PRESENT: HONORABLE BENJAMIN F. GIBSON,
DISTRICT JUDGE

In accordance with the attached Opinion dated August 2, 1982. IT IS HEREBY ORDERED that the above-entitled case is dismissed in its entirety.

IT IS SO ORDERED.

BENJAMIN F. GIBSON
United States District Judge

I hereby certify that the foregoing is a true copy of the original on file in this court and ? .

By M. Ferriert

Daye Aug-3 1982

REMARK

Petitioner states, U.S. District Court Benjamin F. Gibson has knowingly and with intent, with "fraud", totally misrepresents this Court case. This Petitioner retained Atty's. Blake & Rabinovitz to reopen Court case 2/12 25, due to "FRAUD". That is why the transcript was to be gotten and the hand drafted Motion of Atty. Starbuck was advanced. A - 43

B

CASE No. 2.

UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF MICHIGAN, S.D.

File No. K82-209

Boyd Veenkant, per se.,
Plaintiff-Appellant,

V.

George R. Corsiglia, et al.,
Defendants-Appellees.

Appeal from United States District Court for the Western District of Michigan, S. Div.

No. K82-209 CA, Richard A. Enslen,
U.S. District Judge.

Submitted March 26, 1981-Decided Oct.
13, 1982.

Opinion and Order, by Richard A. Enslen, U.S. District Court Judge.

OPINION

This action seeks damages from Defendants, Michigan Circuit Judge George R. Corsiglia, and the Allegan County Board of Commissioners, for the failure to help Plaintiff try to collect money paid by the Plaintiff to his attorney, alleges that Michigan Circuit Judge Corsiglia should have filed some grievance with the State Bar of Michigan. Jurisdiction is based on 42 USC §§ 1983, 1986. In addition, Plaintiff cites Rule 60(b) of the Federal Rules of Civil Procedure as a basis for the filing of the instant Complaint.

The Defendants have moved to dismiss the action against them for "failure to state a claim upon which relief can be granted," pursuant to Rule 12(b) (6) of the Federal Rules of Civil Procedure.

After being advised in the premises, it is the Opinion of this Court that Plaintiff's Complaint must be dismissed.

In an Opinion dated October 5, 1981, Senior Judge Noel P. Fox dismissed an action brought by this Plaintiff, against these identical Defendants, for failure to state a claim upon which relief could be granted. A review of that Opinion and the Complaint filed herein, discloses that the claims asserted in this case are identical to those brought in the 1981 litigation, as well as the parties to that litigation being identical to those captioned above.

Accordingly, the Court looks to Kremer v Chemical Construction Corporation,

US ____, __S Ct ____, 72 L Ed 262 (1982) wherein the United States Supreme Court stated at page 270 n 6:

...From Cromwell v County of Sac,

94 US 351, 24 L Ed 195 (1877), to Federated Separment Stores, Inc. v. Moitie, 452 US 394, 69 L Ed 2d 103, 101 S Ct 24-24 (1981), this Court has consistently emphasized the importance of the related doctrines of res judicata and collateral estoppel in fulfilling the purpose for which civil courts had been established, the conclusive resolution of disputes within their jurisdiction.

Under res judicata, a final judgment on the merits of an action precludes the parties or their privies from relitigating issues that were or could have been raised in that action. Allen v McCurry, 449 US at 94, 66 L Ed 2d 308, 101 S Ct 411; Cromwell v County of Sac, 94 US at 352, 24 L Ed 195. Under collateral estoppel, once a court decides an issue of fact or law necessary to its judgment, that decision precludes relitigation of the same issue on a different cause of action between the same parties. Montana v United States, 440 US 147, 153, 59 L Ed 210, 99 S Ct 970.

Parklane Hosiery v Shore, 439 US 322, 326 n 5, 58 L Ed 2d 552, 99 S Ct 645 (1979). Thus, invocation of res judicata and collateral estoppel, 'relieve parties of the cost and vexation of multiple lawsuits, conserve judicial resources, and by preventing inconsistent decisions, encourage reliance on adjudication.' Allen v McCurry, 449 US at 94, 66 L Ed 2d 308, 101 S Ct 411. Id. at 270-271.

See also, Castorr v Brundage, 674

F 2d 531 (CA 6 1982), pet for cert filed 51 US LW 3013 (June 21, 1982);

4B

No. K82-209 CA

Bronson v Board of Education of the City School District of the City of Cincinnati, F 2d (CA 6 1982), docket number 81-5033, p 7, released September 2, 1982. This matter was fully and finally litigated in the district court before Judge Fox and, therefore, the instant suit is barred as a matter of law.

Finally, the Plaintiff has asserted allegations under Rule 60(b) which provides in pertinent part"

Upon motion and upon such terms as are just the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

S:
(1) mistake, inadvertance, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud.... misrepresentation, or other misconduct of an adverse party;... or (6) any other reason justifying relief from the operation of the judgment.....₁

A request for relief under this Rule should have been directed to the Court which rendered judgment in the first instance.₂ In this case, this motion should have been directed to Judge Fox.

For the foregoing reasons, the Court is of the opinion that Defendant's Motion to Dismiss must be granted.

Dated: 10/13/1982 Richard A. Enslen

B- 47

RICHARD A. ENSLEN
US District Judge

JUDGMENT ORDER

In accordance with the Opinion rendered in the above captioned matter dated Oct. 13, 1982;

IT IS HEREBY ORDERED AND ADJUDGED that the Defendant's Motion to Dismiss, be and the same is, GRANTED: and the Complaint herein dismissed.

Dated: 10/13/82

Richard A. Enslen
RICHARD A. ENSLEN
USDistrict Judge

FOOT NOTES

1. Take NOTICE, Judge Richard A. Enslen under Rule 60 (b) left out (4) & (5). (4) states-the judgment is void; (5) states- ,or it is no longer equitable that the judgment should have prospective application; or (6)-

To 1, Petitioner supports with this "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." Miranda v. Arizona , (U.S. Supreme Ct) 384 US 436, 16 L ed 2d 694, 86 S Ct 1602.

2. 60(b) ,which action may or may not be begun in the court which rendered the judgment.

C - CASE No. 1.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 82-1583
Boyd Veenkant, per se.,
Plaintiff-Appellant,
V.

Maurice N. Blake, et al.,
Defendants-Appellees.

Appealed from the U.S. District
Court for the Western District
of Michigan, S. Div. to the U.S.
Court of Appeals, Sixth Circuit.
No. K81-101 CA 4-Benjamin F. Gibson, Judge

Submitted Dec. 1982-Decided May 4, 1983

O R D E R

BEFORE: KEITH, KENNEDY and JONES, Circuit Judges

This appeal has been referred to
a panel of the Court pursuant to Rule
9(a), Rules of the Sixth Circuit. After

examination of the record and briefs of all parties, this panel agrees unanimously that oral argument is not needed.

Rule 34(a), Federal Rules of Appellate Procedure.

Plaintiff appeals the district court order entered August 2, 1982, dismissing his civil rights complaint. Having carefully examined the district court record and the briefs of all parties, this Court concludes the district court did not err in its disposition of this case

Accordingly, for the reasons stated in the district court memorandum entered August 2, 1982, the order of this district court is hereby affirmed. Rule 9(d)(2), Rules of the Sixth Circuit.

Based upon the record in this case and the briefs filed, we are convinced that this appeal is frivolous. This appeal amounts to little more than a continued abuse of process which raises no colorable legal or factual basis for the relief sought. It is totally lacking in merit, fraud with no relevant supporting law, conclusory in nature, and utter nonsense. Appellees have requested this Court award sanctions pursuant to Rule 38, Federal Rules of Appellate Procedure. Pursuant to 28 U.S.C. § 1912 and Federal Rule of Appellate Procedure 38, we award double costs to appellees.

ENTERED BY ORDER OF THE COURT

John P. Hehman /

Clerk

C3

No. 82-1583

ISSUED AS MANDATE: May 26, 1983

COSTS: APPELLEE TO RECOVER DOUBLE COSTS
PRINTING OF BRIEFS..\$160.86

TOTAL $\frac{x \quad 2}{\$323.72}$

A TRUE COPY

Attest By Linda L. Brinsen, Deputy
Clerk.

D

CASE No. 2.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 82-1824

Boyd Veenkant, per se.,
Plaintiff-Appellant,

V.

George R. Corsiglia, et al.,
Defendants-Appellees.

Appealed from the U.S. District
Court for the Western District of
Michigan, S. Div. to the U.S. Court
of Appeals , Sixth Circuit.

No. K82-209 CA- Richard A. Enslen, Judge

Submitted.6,1982-Decided May 4, 1983

O R D E R

BEFORE: KEITH, KENNEDY and Jones, Circuit
Judges

This appeal has been referred to a panel of the Court pursuant to Rule 9(a), Rule of the Sixth Circuit. After examination of the record and briefs, this panel agrees unanimously that oral argument is not needed. Rule 34(a), Federal Rules of Appellate Procedure.

Plaintiff appeals the district court order entered October 13, 1982, dismissing his civil rights action. Having carefully examined the record and briefs, this Court concludes the district court did not err in its disposition of this case.

Accordingly, for the reasons stated in the district court opinion entered October 13, 1982, the order of the district court is hereby affirmed. Rule 9 (d)(2), Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT

John P. Hehman /s/

A TRUE COPY

Attest:

JOHN P. HEHMAN, Clerk

By Linda L. Bronson

Deputy Clerk

ISSUED AS MAND-

ATE: May 26, 83

COSTS: NONE